

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD FOSTER,

Plaintiff, No. CIV S-03-1193 GEB JFM P

VS.

D. L. RUNNELS, et al.,

Defendants. ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action. On January 6, 2005, plaintiff submitted his statement regarding housing logs. Plaintiff states that the C Facility Building 3 housing logs from the periods of April 1, 2002 through April 30, 2003, pages 2 through 450, are relevant because they are the actual logs to the building in which plaintiff was housed and are needed at trial as evidence to refute defendants' assertions that plaintiff received adequate exercise. Plaintiff states that these logs verify the actual yard time plaintiff received during the time frame at issue herein.

Plaintiff is cautioned that it will be his responsibility to sift through these housing logs if he believes that they contain evidence which support his case on summary judgment or at trial.

In light of the resolution of the discovery dispute the court will reset the pretrial motion deadline and schedule this case for pretrial conference. In the event that a motion for summary judgment is filed the court will examine the pleadings and other relevant filings, together with affidavits, if any. Fed. R. Civ. P. 56(c). The court will believe the evidence submitted by the party who has not filed for summary judgment, see Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 255 (1986), and will draw all reasonable inferences that may be drawn from the facts placed before the court in favor of the opposing party. See Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986).

IT IS SO ORDERED.

DATED: January 24, 2006.

John F. Wark  
UNITED STATES MAGISTRATE JUDGE

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